

Court of Appeals, State of Michigan

ORDER

Tracy Neal v Department of Corrections; Nicole Anderson v
Department of Corrections

Docket No. 253543; 256506

LC No. 96-006986-CZ; 03-162-MZ

Kathleen Jansen
Presiding Judge

Christopher M. Murray

Pat M. Donofrio
Judges

The Court orders that the motion for reconsideration is DENIED.

MURRAY, J. (*concurring*).

The motion for reconsideration was properly denied. Defendants' brief on appeal did argue, with proper citation, that for any claims arising after November 1, 1999, the state Prison Litigation Reform Act (PLRA) required plaintiffs to exhaust the proper administrative remedies. However, that argument was deemed irrelevant because of our conclusion that the "claims of class plaintiffs, that occurred after March 10, 2002, must be dismissed." Slip Op at p. 10. And, as noted above, defendants did not argue that the state PLRA applied retroactively.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 17 2005

Date

Sandra Schultz Mengel
Chief Clerk